

TITLE 16 . California Board of Pharmacy

NOTICE IS HEREBY GIVEN that the Board of Pharmacy is proposing to take the action described in the Informative Digest. Any person interested may present statements or arguments only in writing relevant to the action proposed.

Written comments must be received by the Board of Pharmacy at its office not later than 5 p.m. on Monday, September 16, 2002. Comments may be submitted by facsimile at (916) 327-6308. Comments may be submitted by email to Paul_Riches@dca.ca.gov. Comments may be submitted by mail to:

Board of Pharmacy
Attn: Paul Riches
400 R Street, Suite 4070
Sacramento, CA 95814

The board does not intend to hold a hearing in this matter. If any interested party wishes that a hearing be held, he or she must make the request in writing to the board. The request must be received in the board office no later than 5 p.m. on Tuesday, September 3, 2002.

The Board of Pharmacy upon its own motion or at the instance of any interested party, may thereafter adopt the proposals substantially as described below or may modify such proposals if such modifications are sufficiently related to the original text. With the exception of technical or grammatical changes, the full text of any modified proposal will be available for 15 days prior to its adoption from the person designated in this Notice as contact person and will be mailed to those persons who submit written or oral testimony related to this proposal or who have requested notification of any changes to the proposal.

Authority and Reference: Pursuant to the authority vested by Sections 4005 of the Business and Professions Code, and to implement, interpret or make specific Section 4005 and 4301 of the Business and Professions Code and Sections 11055, 11153, 11154, 11164, 11166, and 11200 of the Health and Safety Code, the Board of Pharmacy is considering changes to Division 17 of Title 16 of the California Code of Regulations as follows:

INFORMATIVE DIGEST/ POLICY STATEMENT OVERVIEW

Amend Section 1717 (e) Delivery of Medication

Existing regulation (section 1717 (e)) requires patients to be physically present when a prescription is delivered to a physician's office, clinic, or hospital. The proposed amendment to this section would permit pharmacies to deliver dispensed prescriptions to these same locations for pickup by the patient at a later time if the patient receives care at the location. The proposed amendment to this section would permit pharmacies to deliver dispensed prescriptions to these same locations for pickup by the patient at a later time if the patient receives care at the location.

This practice will greatly ease the delivery of medications to hard to serve populations (most notably the homeless) who do not reside in a community with ready access to a pharmacy. Permitting the delivery of dispensed prescriptions to locations where the patient receives care

provides reasonable security for the drugs and assures the oversight of the drugs by a licensed healthcare professional who is familiar with the patient.

Amend Section 1745 Partial Filling of Schedule II Controlled Substance Prescriptions

Existing law (Health and Safety Code 11166) specifies that a Schedule II controlled substance prescription must be filled within 14 days. This time period was extended from 7 to 14 days by Chapter 878, Statutes of 1998. Existing board regulations specify that a Schedule II controlled substance prescription may be partially filled if the prescription is provided to the pharmacy and partially filled within 7 days of issuance based on the prior time restriction for filling a Schedule II controlled substance prescription. The proposed amendment to this section would conform the time period for the filling of a Schedule II controlled substance prescription to the underlying statute.

FISCAL IMPACT ESTIMATES

Fiscal Impact on Public Agencies Including Costs or Savings to State Agencies or Costs/Savings in Federal Funding to the State: None.

Nondiscretionary Costs/Savings to Local Agencies: None.

Local Mandate: None.

Cost to Any Local Agency or School District for Which Government Code Section 17561 Requires Reimbursement: None.

Significant Adverse Economic Impact on Business: The board has made an initial determination that the proposed regulatory action would have no significant statewide adverse economic impact directly affecting California businesses, including the ability of California businesses to compete with businesses in other states.

Impact on Jobs/New Businesses: The Board of Pharmacy has determined that this regulatory proposal will not have any impact on the creation of jobs or businesses or the elimination of jobs or existing businesses or the expansion of businesses in the State of California.

Cost Impacts on Representative Private Persons or Businesses: The Board of Pharmacy is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.

Effect on Housing Costs: The board has made an initial determination that the proposed regulatory action would have no significant statewide adverse impact on housing costs.

EFFECT ON SMALL BUSINESSES

The Board of Pharmacy has determined that the proposed regulations would affect small businesses.

CONSIDERATION OF ALTERNATIVES

The Board of Pharmacy must determine that no reasonable alternative which it considered or that has otherwise been identified and brought to the attention of the board would be more effective in carrying out the purpose for which the action is proposed or would be as effective and less burdensome to affected private persons than the proposal described in this Notice.

Any interested person may present statements or arguments orally or in writing relevant to the above determinations at the above-mentioned hearing.

INITIAL STATEMENT OF REASONS AND INFORMATION

The Board of Pharmacy has prepared the initial statement of the reasons for the proposed action and has available all the information upon which the proposal is based.

TEXT OF PROPOSAL

Copies of the exact language of the proposed regulations and of the initial statement of reasons and other information, if any, may be obtained at the hearing or prior to the hearing upon request from the Board of Pharmacy at 400 R Street, Suite 4070, Sacramento, California 95814 and at the Board of Pharmacy's website <http://www.pharmacy.ca.gov>.

FINAL STATEMENT OF REASONS

The Board of Pharmacy will prepare a final statement of the reasons for the proposed action and a copy of this will be available upon request from the board or from the board's website <http://www.pharmacy.ca.gov>.

AVAILABILITY AND LOCATION OF THE RULEMAKING FILE

All the information upon which the proposed regulations are based is contained in the rulemaking file which is available for public inspection by contacting the Board of Pharmacy at the address mentioned above.

CONTACT PERSON

Inquiries regarding the substance of the proposed action may be addressed to Paul Riches at the above address or at (916) 445-5014 ext. 4016 (Paul_Riches@dca.ca.gov). Inquiries regarding notices for this or other rulemaking proposals may be addressed to Candy Place at the above address or at (916) 445-5014 ext. 4006. Inquiries regarding notices for this or other rulemaking proposals may be addressed to Paul Riches at the above address or at (916) 445-5014 ext. 4016.